

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
MOHAMMAD SAAILI SHIBIN, )  
a/k/a "Khalif Ahmed Shibin," )  
a/k/a "Mohammad Ali," )  
a/k/a "Ali Jama," )  
 )  
Defendant. )

CRIMINAL CASE NO.  
2:11cr33

TRANSCRIPT OF PROCEEDINGS  
(**Testimony of Jilani Abdiali**)

Norfolk, Virginia  
April 24 and 25, 2012

BEFORE: THE HONORABLE ROBERT G. DOUMAR,  
United States District Judge, and a jury

APPEARANCES:

UNITED STATES ATTORNEY'S OFFICE  
By: Joseph E. DePadilla, Esquire  
Benjamin L. Hatch, Esquire  
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By: James O. Broccoletti, Esquire  
Counsel for the Defendant

## I N D E X

ON BEHALF OF THE GOVERNMENT:	Direct	Cross	Red.	Rec.
J. Abdiali	3	47	67	--

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3 THE COURT: Your next witness, Mr. Samuels or  
4 Mr. Hatch?

5 MR. HATCH: Your Honor, our next witness is in  
6 custody, Jilani Abdiali.

7 Your Honor, this witness does require an  
8 interpreter.

9 (The witness was administered the oath by the  
10 Clerk.)

11 JILANI ABDIALI, called as a witness, having been  
12 first duly affirmed, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. HATCH:

15 Q. Can you please state your name, sir?

16 A. Jilani Abdiali.

17 Q. And do you have any nicknames, Mr. Jilani?

18 A. No, I do not have.

19 Q. Where were you born, sir?

20 A. Mogadishu.

21 Q. And what country is that in?

22 A. Somalia.

23 Q. How old are you, sir?

24 A. 22.

25 Q. And what was your educational background in Somalia?

—J. Abdiali - Direct—

1 A. About four classes.

2 Q. Does that mean you took just four classes your whole  
3 life, or did you go to fourth grade?

4 A. After fourth grade, and I studied in Somalia in English  
5 and some electrician knowledge.

6 Q. Now, you mentioned that you studied some English. Are  
7 you -- do you speak any English?

8 A. Yes. I talk with my custodians in jail in English and  
9 also with the other inmates, but I do not speak a lot. But  
10 we do understand each other language-wise.

11 Q. So you're referring to once you've been in the United  
12 States in jail you've learned some English. Is that right?

13 A. No, I didn't study before then.

14 Q. And how would you describe how much English you could  
15 speak back when you were in Somalia?

16 A. "Describe" in which sense?

17 Q. How fluent were you in English when you were in Somalia?

18 A. It was not much, but I was better than many others who  
19 had poorer education.

20 Q. Now, let me ask you, are you familiar with the name  
21 Elcassa?

22 A. Elcassa?

23 Q. Yes.

24 A. Would that be in Italian?

25 Q. I'm just asking if you know that name, sir.

—J. Abdiali - Direct—

1 A. I do not know.

2 Q. Okay. Were you involved in the piracy of the sailboat  
3 Quest?

4 A. I was aware that it was involved in the sea, and then we  
5 also went into the sea for work, but I was not with him, with  
6 all the bad things that happened over there.

7 Q. And who is the "him" you're referring to?

8 A. By "him" I mean "them." Yes, I work with them, but I was  
9 not really involved with all the bad things that were done.

10 Q. And when you're referring to "the bad things that were  
11 done" is that the murder of the Americans?

12 A. Those four people. And those four people were not killed  
13 from them, they were killed on my behalf -- on my side.

14 Q. Are you saying, sir, that the Americans were killed by  
15 other pirates?

16 A. Yes.

17 Q. But you didn't kill any of them yourself. Is that  
18 correct?

19 A. I did not kill. And I was shook by their murder, and I  
20 asked God to give them -- forgive them.

21 Q. Now, did you plead guilty in this courthouse to piracy?

22 A. Yes, I believe it was here.

23 Q. And have you been sentenced already?

24 A. Yes, I was given my sentence, and in my understanding I  
25 was given two life sentences.

—J. Abdiali - Direct—

1 MR. HATCH: Mr. Pierce, with your assistance I'll  
2 hand up Government's Exhibit 2-9 A.

3 BY MR. HATCH:

4 Q. Mr. Jilani, do you recognize that document that was just  
5 handed up as your plea agreement with the government?

6 A. Yes. On it there's my signature as well.

7 MR. HATCH: Your Honor, I would move into evidence  
8 Government's Exhibit 2-9 A.

9 THE COURT: 2-9 A, the plea agreement entered into  
10 by Abdiali, is received in evidence.

11 MR. HATCH: Thank you, Your Honor.

12 (The exhibit was admitted into evidence.)

13 BY MR. HATCH:

14 Q. Now, as part of your plea agreement, Mr. Jilani, did you  
15 agree to cooperate with the government?

16 A. Very much so; that as long as I live I'll be working with  
17 the government.

18 Q. And what do you hope will happen as a result of your  
19 cooperation?

20 A. I believe that I will get some relief if I work with the  
21 government honestly.

22 Q. Do you know a man named Mohammad Shibin?

23 A. Yes, I know Mohammad Shibin.

24 Q. Do you see him in court today?

25 A. I see him. He's over there (indicating).

—J. Abdiali - Direct—

1 THE COURT: Let the record reflect that the witness  
2 has pointed to the defendant.

3 MR. HATCH: Thank you, Your Honor.

4 BY MR. HATCH:

5 Q. When was the first time that you met Mr. Shibin?

6 A. This gentleman, we met each other in Bossaso, and we knew  
7 each other in that place.

8 Q. And can you give the jury a sense -- how long ago was it  
9 when you first met Mr. Shibin in Bossaso?

10 A. The last time I met him he was working for a mine  
11 company, but I do not know the exact date. But I think it  
12 was about four years ago.

13 Q. So he was working for a mining company in Bossaso?

14 A. Yes, it was a mining project, but that mining project  
15 came to an end. But it has been working for some time.

16 Q. Now, let me ask you, Mr. Jilani, did you ever observe  
17 Mr. Shibin at his place of work roughly four years ago?

18 A. Yes, I went to his office. And my purpose was to meet  
19 other young men over there, but while I was trying to meet  
20 these other men I also met him in his office.

21 Q. And what type of equipment did Mr. Shibin have in his  
22 office?

23 A. There were computers, and there were also other equipment  
24 that they used for the mining. And there were other  
25 employees who were working with him.

—J. Abdiali - Direct—

1 Q. Did you and Mr. Shibin -- did you socialize at that time?

2 A. We knew each other. Even though I was a younger man, but  
3 he was also an older man, senior man, but we knew each other.  
4 But our knowledge of each other was not much, but we knew  
5 each other as members of the same clan.

6 Q. Okay. And what -- so the two of you are from the same  
7 clan. Is that what you're saying?

8 A. Yes. We belong to the Osman Mahamoud clan.

9 Q. Can you give the jury a sense of what clans mean in  
10 Somalia?

11 A. The clan is used in Somalia for identification purposes.  
12 For example, a father may have two sons, and those two sons  
13 may have other children. That's how people know each other.

14 Q. Now, at this time when you met Mr. Shibin in Bossaso what  
15 type of work were you in at that time?

16 A. At that time I was working for a company, and that  
17 company's name was WXKU, and it provided electricity for the  
18 City of Bossasso, and its name was NA, and that company was  
19 established for us by a Danish international development  
20 agency.

21 Q. When you spoke with Mr. Shibin when he was in Bossasso  
22 did you learn if he spoke more than one language?

23 A. I did not ask him what language he spoke, but when I was  
24 talking to other people they told me that he's an educated  
25 man who has a lot of -- some knowledge.



—J. Abdiali - Direct—

1 Q. Now, Mr. Jilani, did there come a time when you decided  
2 to become involved in piracy?

3 A. This was my first time, this time when that boat was  
4 seized.

5 Q. And is "that boat" the Quest you're talking about?

6 A. Yes, that was the first time I went to sea, and that was  
7 my first time to go along with people who were armed.

8 Q. Okay. Now, I want to talk to you, though, first about  
9 the period of time before you went out to sea.

10 When you decided to get involved in piracy was there  
11 a particular town that you went to?

12 A. In our region we live in places called Bossasso, Garowe,  
13 Qardho, and all these are landlocked. They do not have sea  
14 so they do not have piracy over there, so we go to a town  
15 called Garaad, which is quite some distance from us.

16 Q. Tell the jury about this town of Garaad. How big is it?

17 A. It's a small town, and in my estimate it's about 150 --  
18 thereabouts, 150 houses.

19 Q. Who controls this town of Garaad?

20 A. In the past there were elders who were running this town,  
21 but as of now it's the pirates who are in control.

22 Q. And when you say "as of now" did that include the period  
23 that you went there before you went out to sea?

24 A. Yes, there are pirates in control of that town now, and  
25 there's also an elder by the name of Abdulahi Yare. If

—J. Abdiali - Direct—

1 there's any information that's required from the town they  
2 will ask that man.

3 Q. Now, does Abdulahi Yare -- does he have any connection to  
4 piracy?

5 A. In the Garaad area he's the most senior pirate in terms  
6 of weapons and in terms of money. He's the most powerful  
7 man.

8 Q. Now, approximately how long were you in Garaad before you  
9 went out to sea?

10 A. About one year and one month -- about 15 months.

11 Q. And just give the jury a sense. What kind of things were  
12 you doing in that approximately one-year period that you were  
13 in Garaad?

14 A. I saw young men my age building new houses for  
15 themselves, driving beautiful cars, and I thought that I  
16 might as well get involved and get my -- get the same things.

17 Q. Now, where were these young men with the nice houses and  
18 the nice cars -- where were they getting their money from?

19 A. That money was proceeds from ships that were hijacked.

20 Q. Now in this time that you spent in Garaad did you come to  
21 learn about how the piracy business is run in Somalia?

22 A. They don't get involved in other work. Their only work  
23 is to go to sea, hijack ships, and then if they cannot find a  
24 ship then they just come back.

25 But on land there are investors, people who have

—J. Abdiali - Direct—

1 money who pay for the expenses so that those expenses are  
2 used to catch, to hijack, other ships.

3 Q. Now, let me ask you about those investors. Do they go  
4 out to sea themselves?

5 A. No, they don't go themselves to sea, because they do not  
6 want to put their lives in danger and also to put in danger  
7 their money. So they use younger men to send to sea.

8 Q. Let me ask you, are you familiar with the role of a  
9 pirate negotiator?

10 A. You mean familiar in that I have the knowledge?

11 Q. Yes, just again generally, like your knowledge of  
12 investors or pirates.

13 A. And would that be similar to what an interpreter does?

14 Q. Yes.

15 A. An interpreter is someone that they either call because  
16 they knew him in the past or someone that they call from  
17 another region after they learn that he speaks some language.  
18 An investor would be someone who provides -- invests his  
19 money in the expenses.

20 Q. Now what, generally, is the goal of the piracy operation?

21 A. Pirates are greedy people. They want to take what does  
22 not belong to them, and they take that money and they use it.

23 Q. And once pirates capture a ship where do they bring it?

24 A. They anchor the ship in Garaad, they anchor it at a place  
25 called Harardheere, and they anchor it in Hobyo, and they

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1 also anchor it in the northeast. That's the region where I  
2 come from.

3 Q. And are all these places that ships can be anchored --  
4 are all those places you just named controlled by pirates?

5 A. They control the seaside, they do not control the land  
6 side. Because in the region where I come from there is a  
7 government which is called Puntland, Puntland State of  
8 Somalia, but in the Garaad area they control both the sea and  
9 the land.

10 THE COURT: Mr. Hatch, this may be a good time to  
11 stop.

12 Ladies and gentlemen, we'll take a luncheon break  
13 now.

14 Everyone please rise. We'll come back at five  
15 minutes after 2:00.

16 (The jury withdrew from the courtroom.)

17 THE COURT: Okay. We'll take a break until five  
18 minutes after 2:00.

19 (A luncheon recess was taken.)

20 THE COURT: Everyone please stand.

21 (The jury entered the courtroom.)

22 THE COURT: You may be seated.

23 Let the record reflect the entire jury has returned.

24 You're reminded, sir, you're still under affirmation  
25 to tell the truth, the whole truth, and nothing but the

—J. Abdiali - Direct—

1 truth.

2 THE WITNESS: I understand.

3 THE COURT: Mr. Hatch.

4 MR. HATCH: Thank you, Your Honor.

5 BY MR. HATCH:

6 Q. Mr. Jilani, are you familiar with the term SAMI?

7 A. SAMI used by the pirates?

8 Q. Yes.

9 A. Yes.

10 Q. And tell the jury what a SAMI is.

11 A. SAMI is the ratio by which the pirates divide the  
12 proceedings among themselves from the lowest to the  
13 highest -- to the middle.

14 Q. Okay. And, so, what are they dividing with the SAMI?

15 A. The money that they get.

16 Q. From the ransom payment?

17 A. The ratios by which pirates get the money is planned in  
18 advance before the operation takes place.

19 Q. Okay. So, for example, when you went out to sea did you  
20 have a SAMI share?

21 A. Yes, I had a ratio by which I would get the money.

22 Q. Okay. And are there ways that you can increase your  
23 share in the course of a piracy mission?

24 A. In what way do I increase?

25 Q. Well, I'm asking. For example, if you were the first one

—J. Abdiali - Direct—

1 to board a hijacked ship can that increase your share?

2 THE INTERPRETER: I'm sorry. I did not --

3 BY MR. HATCH:

4 Q. For example, if you're the first pirate to board a  
5 hijacked ship could that increase your share?

6 A. Yes, it increases. The first man to board the ship gets  
7 a higher share, and also the first man to see the ship also  
8 gets a higher share. Actually, they purchase a car for him,  
9 a Land Cruiser car for him.

10 Q. And when you say "the first man to see a ship," is that a  
11 man who first spots it on the horizon?

12 A. Yes. That man is called the first seer, and that would  
13 be the man who points to the ship when it comes on the  
14 horizon.

15 Q. Now, the investors, do they get a share of a ransom  
16 payment?

17 A. You mean the investors?

18 Q. Yes.

19 A. They get the most money out of the kidnapping from all  
20 the pirates.

21 Q. Going to that time when you were staying in Garaad,  
22 Mr. Jilani, did you ever see Mr. Shibin when you were there?

23 A. Yes, I met him. I met him before he moved to this town  
24 Garaad, and I also met him at a time when together, he and  
25 me, we went to the beach. And I asked him for money, and he

—J. Abdiali - Direct—

1 said, "I'll give you money later on. I'll get the money."

2 Q. Okay. Can you tell us what time of year, approximately,  
3 was this you saw Mr. Shibin when you were in Garaad?

4 A. We are pirates. All we were interested in was going to  
5 sea. We did not keep good records of the time.

6 Q. Okay. About how long before you headed out to sea was it  
7 that you saw Mr. Shibin in Garaad?

8 A. It was in January. It must have been on the 15th of  
9 January or the 16th of January in 2011.

10 Q. Okay. And what was Mr. Shibin doing at that time?

11 A. The first night that we met he came down from the ship,  
12 the German ship, and on that night I was drinking and he was  
13 eating khat -- was chewing khat -- and we stayed together for  
14 a short period of time.

15 Q. Was there anybody else there with you two that night?

16 THE INTERPRETER: I'm sorry. I missed one thing,  
17 Your Honor. He said also that there was a gentleman called  
18 Dumad Bishur.

19 BY MR. HATCH:

20 Q. And this gentleman Dumad Bishur, was he also there with  
21 you, too?

22 A. We sat together for a short period of time, then  
23 Mr. Dumad came to join us. Then he and Mr. Dumad went  
24 together to the hotel.

25 Q. Now, when you were talking with Mr. Shibin did you ask

—J. Abdiali - Direct—

1 him anything about ransom money?

2 A. I asked him, "If you get money, ransom money, from the  
3 ship would you be thinking about investing some of that money  
4 back on the sea again?"

5 Q. And when you say, investing it "back on the sea," what  
6 does that mean?

7 A. Used as an investment money for hijacking other ships.

8 Q. Okay. And what did Mr. Shibin say, if anything, in  
9 response?

10 A. "After I get the money I'll try to use that money back on  
11 the sea."

12 Q. Now, at the time you-all were having this conversation --  
13 I know you said you didn't remember the exact date, but was  
14 the German ship still being held off of Garaad at that time?

15 A. It was still anchored there, and people did not come out  
16 of it at that time.

17 Q. How long was it before -- oh, let me ask you -- in that  
18 conversation did you tell Mr. Shibin what you wanted to do?

19 A. I told him that I was here to go to work. I told him  
20 that if I find another piracy group I'm going to join them.

21 Q. What, if anything, did Mr. Shibin say about your plans to  
22 become a pirate?

23 A. All I told him was that I was ready to go to work on the  
24 sea, but we did not have a longer conversation about that.

25 Q. Okay. How long did Shibin stay in Garaad at that time?



—J. Abdiali - Direct—

1 A. Are you referring to the night that we met?

2 Q. Yes. Had he come off the ship? Is that right?

3 A. At that time he came down from the ship, and he stayed in  
4 land for a couple of nights. Then he went back on the ship.  
5 And myself, I went on the boat, the Yemeni boat, that was  
6 used to hijack the Quest.

7 Q. Okay. We'll get to that in a minute.

8 When Shibin came off the German boat and then went  
9 back out to it how was he getting back and forth?

10 A. When he came down he went back to the ship, but at that  
11 time they did not have the money yet. But when he got the  
12 money it was at a time that I was aboard the ship -- aboard  
13 the boat, the Yemeni boat, at Garaad.

14 Q. Okay. I'm just asking --

15 A. But then they got the money at that time.

16 Q. Okay. But going back to this time you saw Mr. Shibin and  
17 Bishur Dumad, did you go with Mr. Shibin as he was getting  
18 ready to go back to the German boat?

19 A. Yes, I did ride with them in a car, and then we went to  
20 the beach, and then at the beach there was that boat that was  
21 supposed to take them to the ship. It was a small boat, and  
22 they went in that boat, which was to supply khat to the ship.

23 Q. So there was khat in the boat?

24 A. Yes. It was the khat that was to go to the young men who  
25 were aboard the ship. It was at that time that he told me

—J. Abdiali - Direct—

1 that when he gets his money he will be giving me some of  
2 that.

3 Q. Did he ever give you any money?

4 A. No, because before he came down the ship I already went  
5 with the other boat.

6 Q. At that time, when you saw Shibin in Garaad, did he  
7 appear to be being forced to return to the boat in any way?

8 A. In truth, I did not think about that very carefully, but  
9 I cannot say whether he was forced to go back to the ship or  
10 not.

11 Q. Do you know an individual by the name Liban Abdurahman?

12 A. Liban Abdurahman? His third name is Atel. Yes, I know  
13 him.

14 Q. And tell the jury, who is this individual?

15 A. Liban Abdurahman was a member of the team that hijacked  
16 the German ship, and he later became the commander, before he  
17 became wounded.

18 Q. Now, when you refer to the German ship was that the same  
19 German ship that Mr. Shibin was going back to?

20 A. What did you say?

21 Q. Did the German ship that Liban Abdurahman hijacked -- was  
22 that the same ship that Mr. Shibin went to?

23 A. Yes, this is the same one where Mr. Shibin served as an  
24 interpreter.

25 Q. Now, do you know if Liban and Shibin are any relation to

—J. Abdiali - Direct—

1 each other?

2 A. Liban, Shibin and myself, we are very close, in the same  
3 clan, as I mentioned to you, but the two of them are closer  
4 to each other than myself.

5 MR. HATCH: Your Honor, I would like to publish  
6 Government's Exhibit 1-84 A, which has already been admitted  
7 in evidence.

8 THE COURT: You may publish it.

9 BY MR. HATCH:

10 Q. Mr. Jilani, if you can look at your screen there you  
11 should be able to see this.

12 A. So what do I look at, and what do you want me to read?

13 Q. Good question.

14 Mr. Jilani, do you recognize the name of the  
15 individual that's on your screen there, number three?

16 A. Is that the name where the arrow is pointed to?

17 Q. Yes.

18 A. Bishur Dumad.

19 Q. And is that the name of the individual that you chewed  
20 khat with along with Shibin?

21 A. Exactly, that's him.

22 Q. Now I'd like you to look at the individual that I've  
23 drawn a red arrow to and see if you recognize that name.

24 A. That one is Hilaac.

25 Q. Do you know Hilaac?

—J. Abdiali - Direct—

1 A. I know him.

2 Q. And tell the jury who Hilaac is.

3 A. Hilaac is a young man. He was a member of the team of  
4 pirates who went and hijacked the German ship.

5 Q. Now, do you know if the name Hilaac is his true name or  
6 if that's a nickname?

7 A. His real name is Farah. Hilaac is his nickname.

8 MR. HATCH: And, Your Honor, I'd like to publish  
9 1-82 A, which has already been admitted in evidence.

10 THE COURT: 1-82 A? Publish it. Go ahead.

11 BY MR. HATCH:

12 Q. Mr. Jilani, if you could look at your screen, do you  
13 recognize the name where the first red arrow is that I've  
14 drawn?

15 A. Faraad Dheere.

16 Q. Do you recognize that name?

17 A. That name? Yes, I do.

18 Q. Who is he?

19 A. He was one of the men who hijacked the German ship, and  
20 he belongs to the Ali Solomon clan.

21 Q. And then the second red arrow, do you recognize that  
22 individual?

23 A. That is Bishur Dubad, but I believe the real name is  
24 Bishur Dumad.

25 Q. Okay. And is that the individual you talked about

—J. Abdiali - Direct—

1 before?

2 A. Yes, Bishur Dumad, but that B, needs to be an M.

3 MR. HATCH: Your Honor, if I may publish 1-84 C,  
4 which has already been admitted.

5 THE COURT: All right.

6 BY MR. HATCH:

7 Q. Mr. Jilani, if you could look at that first red arrow, do  
8 you know who that is?

9 A. Liban. I do know what is next. That looks to me like  
10 Liban Abdurahman.

11 Q. And do you know what is next to the second red arrow?

12 A. Atanu -- I cannot understand.

13 Q. Okay. How about this third arrow?

14 A. Bishur Dumad.

15 Q. And then is this Faraad Dheere's name again that I've  
16 highlighted?

17 A. Yes. Under that is Hilaac.

18 Q. Okay. Have I just drawn the red arrow to Hilaac?

19 A. Yes, that's Hilaac.

20 Q. Okay. And then one more.

21 Do you know this individual, Nuur?

22 A. No, I do not know him.

23 Q. Okay.

24 MR. HATCH: Thank you. You can take that down.

25 BY MR. HATCH:

—J. Abdiali - Direct—

1 Q. Now, Mr. Jilani, ultimately were you able to join a  
2 piracy mission?

3 A. Yes.

4 Q. And how did you personally come to be involved in a  
5 piracy mission?

6 A. I became involved, and, as I mentioned it to you before,  
7 I saw young men who made some money out of it, and because I  
8 was around, a vagabond and not doing anything, that's why I  
9 tried to join. And that was a mistaken decision that I made,  
10 because that's what caused and brought me here into jail.

11 Q. Okay. Was there a particular individual who got you  
12 involved in piracy?

13 A. Yes. There was a young man for whom I'm his uncle, and  
14 he was one of those who hijacked a ship called, Xurduo.

15 THE COURT REPORTER: Can you spell the name of that  
16 ship?

17 THE WITNESS: X-U-R-D-U-O.

18 BY MR. HATCH:

19 Q. And, actually, just in that exchange -- one thing so  
20 everyone is clear. When you're going between Somali and  
21 English do the Xs and the Hs sometimes get used  
22 interchangeably?

23 A. Yes, I understand it that way.

24 Q. Okay. So let's -- this young individual who had hijacked  
25 this other ship, what was his name?

—J. Abdiali - Direct—

1 A. This was not a ship, this was the Yemeni boat that was  
2 hijacked from the Yemenis, and he was a member of the team  
3 that went to hijack the Yemeni boat. And that's the Yemeni  
4 boat that was used for hijacking the ship.

5 Q. Okay. And just so we're clear, that's the Yemeni boat  
6 that you and the other pirates went out to sea to use. Is  
7 that right?

8 A. Yes, that we used to go to sea.

9 Q. And tell the jury what type of Yemeni boat was it? What  
10 does it do?

11 A. It was a fiberglass boat. It was a small boat.

12 Q. Was it big enough to go out on the open ocean?

13 A. It was not a small boat, it was a middle size boat.

14 Q. And do you know if the Yemeni men, before they had been  
15 hijacked, had used it for fishing?

16 A. Yes, the Yemenis used that boat for fishing. And when we  
17 hijacked it, because the fish had already passed its time, it  
18 was smelly, so we poured the shipment back into the ocean.

19 Q. Now, were the Yemenis made to stay on board that hijacked  
20 ship?

21 A. Yes. There were four of them who were with us. Then  
22 they were joined by another Yemeni, who was aboard another  
23 boat, and that Yemeni man's name was Munar. So altogether  
24 there were five. And Munar got into an agreement with the  
25 piracy team, and he became a member of the piracy team.

—J. Abdiali - Direct—

1 Q. Okay. So Munar is a Yemeni. He decides to become a  
2 pirate with you guys, right?

3 A. Yes, with the pirates.

4 Q. But the four Yemenis who had been hijacked on that  
5 fishing boat, they weren't pirates, right?

6 A. Yes, they were not, but they were also happy that when  
7 the boat came back they would get back something so that they  
8 could go back to Yemen.

9 Q. Okay. Now, do you know why those Yemeni men in their  
10 boat weren't ransomed?

11 THE INTERPRETER: Why they were ransomed?

12 MR. HATCH: Why they were not ransomed.

13 THE WITNESS: The Yemenis are poor people, just like  
14 us Somalis. They don't have any money.

15 BY MR. HATCH:

16 Q. So no one would pay the ransom. Is that right?

17 A. Even if you kidnap them and keep them for as long as you  
18 want no one will pay you back.

19 Q. Okay. I'd like to go back to this individual who got you  
20 involved who had the Yemeni ship. What was his name?

21 A. Hurduqo.

22 Q. Now, are you familiar with a man named Jama Abdikadir?

23 A. Yes. He was one of those who hijacked the Yemeni boat  
24 and brought it back to Garaad so that it could be used for  
25 other pirates' operations in the ocean.



—J. Abdiali - Direct—

1 Q. Now, what was your role going to be in the piracy  
2 mission?

3 A. I did not carry any weapons. My role was -- so I just  
4 got to get some money, and my role was that I could preach as  
5 a priest to the other pirate members.

6 Q. Now, are you actually a priest?

7 A. I'm not a priest, but what I did was that I made  
8 arrangements so that there was someone who knew more about  
9 religion among us, so that gentleman would pray for the rest  
10 of the pirates. Then eventually they become convinced that I  
11 also had some skills to pray for the rest of the pirates.

12 And I used to pray for them, but after the American  
13 ship was hijacked they did not do what I was telling them,  
14 and then I said, "If you are doing this then what's going to  
15 happen is that all of us will be captured and arrested."

16 Q. Now, let me ask you -- to your knowledge, who were the  
17 individuals who invested and helped out in the piracy mission  
18 that you engaged in?

19 MR. BROCCOLETTI: Judge, I'm objecting on the basis  
20 of foundation. I think we have to inquire, first of all, how  
21 he received this knowledge, as opposed to just talking in the  
22 community.

23 THE COURT: Well, the problem here is -- it's an  
24 interesting situation. As far as I'm seeing, the testimony  
25 at this stage is that everyone took shares. In as much as

—J. Abdiali - Direct—

1 they're all sharing, then each person could tell who else was  
2 sharing.

3 So, consequently, your objection is overruled. It  
4 sounds like a partnership to me.

5 BY MR. HATCH:

6 Q. Now, Mr. Jilani, I will further clarify. I'm asking you  
7 about people that you saw or knew were involved.

8 THE INTERPRETER: Can I say something? Because  
9 before in the previous statement he also said, "I'm saying  
10 all this not to show myself in good standing in front of  
11 America."

12 MR. HATCH: Okay. Thank you. So if I could just go  
13 back to the question, Your Honor.

14 BY MR. HATCH:

15 Q. Mr. Jilani, based on your own observations, who were the  
16 people who were involved in investing and facilitating the  
17 pirate mission you went on?

18 A. This operation was facilitated by -- first of all, by  
19 Liban Abdurahman and Baali Hule. And Liban had the say. He  
20 was the planner, and he planned all the supplies; the food,  
21 the khat and the oil.

22 Q. Now, just so I can clarify, is it Liban Haji Kheyr or  
23 Mohamud Haji Kheyr?

24 A. Mohamud Haji Kheyr.

25 Q. Okay. And I'm going to go one by one.

—J. Abdiali - Direct—

1 Baali Hule, could you please spell that, as best  
2 you're able.

3 A. B-A-L-H -- H is not that used for the "ah" in Somali.

4 THE WITNESS: Okay.

5 THE INTERPRETER: U-L-E.

6 MR. HATCH: Does the interpreter want to make a  
7 clarification?

8 THE INTERPRETER: Yes, Baali Hule is two words,  
9 B-A-A-L-I, H-U-L-E.

10 BY MR. HATCH:

11 Q. Okay. Hilaac, is that H-I-L-A-A-C?

12 A. Yes.

13 Q. And then Liban, is that L-I-B-A-N?

14 A. L-I-B-N, yes -- B-A-N.

15 Q. Okay. And Abdurahman, is that A-B-D-U-R-A-H-M-A-N?

16 A. Yes.

17 Q. And then Mohamud Haji Kheyr?

18 A. Yes. Mohamud Haji Khayr, M-U-H-U-M -- M-O-H-A-M-U-D.

19 Q. Okay. Haji, is that H-A-J-I?

20 A. Yes.

21 Q. And Kheyr, K-H-E-Y-R?

22 A. K-H-A-Y-R.

23 Q. Now what did Baali Hule do for the mission?

24 A. You mean why he got in this operation?

25 Q. Yes, what kind of things did he do to invest or

—J. Abdiali - Direct—

1 facilitate the mission?

2 A. Hilaac, Mohamud Haji Kheyr and Baali Hule were the  
3 investors. They provided the money so that the boat would go  
4 and hijack.

5 Q. And what about Liban?

6 A. Liban? He was also the same, and they were all in  
7 agreement.

8 Q. Did you actually witness all these men working on the  
9 piracy mission in Garaad?

10 A. I knew. And had I not known how could I talk about that?

11 Q. Okay. Now, let me ask you, Jama Abdikadir -- we talked  
12 about him before -- did he contribute anything to the  
13 mission?

14 A. He brought the boats, and that was because he did not  
15 have money of his own. And then with the boats they got into  
16 an agreement that he would get a share after operation is  
17 over.

18 Q. So instead of providing money Jama Abdikadir invested by  
19 putting in the Yemeni fishing boat?

20 A. He brought the boats so that these other people would  
21 bring the money to invest, and then after that he would get  
22 his share of whatever stakes.

23 Q. Now, are Liban and Hilaac the same Liban and Hilaac who  
24 did the German ship?

25 A. Liban and Hilaac were involved in that operation. Baali

—J. Abdiali - Direct—

1 Hule was not part of that.

2 Q. What was Mohamud Haji Khayr's role in facilitating this  
3 mission?

4 A. He was in charge of providing the food, the supplies, the  
5 khat, and they gave him money to do that job. That was his  
6 job.

7 Q. And when you say "they gave him money" was that the other  
8 investors?

9 A. The investors made him a representative so that he could  
10 provide the food and the fuel to the ship and take everything  
11 to the ship.

12 Q. Before going out to sea yourself what, if any,  
13 discussions did you have with Mohamud Haji Khayr regarding  
14 who the negotiator would be?

15 A. We had a conversation. At that time when there was a  
16 Vietnamese ship and other boat did not have water to drink so  
17 we were trying to get water from the Vietnamese ship. And in  
18 the course of that we talked, and what he mentioned to me was  
19 that when this operation started he would also invest  
20 something in this operation so that he would get something  
21 back.

22 Q. And when you say, "...he would invest so he would get  
23 something back," is that Shibin?

24 MR. BROCCOLETTI: Objection; leading question, Your  
25 Honor.

—J. Abdiali - Direct—

1 BY MR. HATCH:

2 Q. Who is the "he" in that?

3 A. What Mohamud told me is that Shibin would also invest  
4 something into this operation.

5 Q. But, just to be clear, you never personally saw  
6 Mr. Shibin invest anything. Is that correct?

7 A. No, I did not see him.

8 Q. Did Mohamud Haji Khayr say why Mr. Shibin would be  
9 investing?

10 A. No. I did not ask him that, but when I asked the other  
11 investors they told me that Shibin would be also investing.

12 Q. When it was time to go to sea how did you actually go out  
13 to sea?

14 A. I went on the boat.

15 Q. Okay. And how many boats did you have?

16 A. One boat and a smaller boat. That smaller boat is used  
17 to catch the ship.

18 Q. Okay. And was the bigger boat the Yemeni fishing boat  
19 that Jama Abdikadir had provided?

20 A. Yes, the bigger boat was the one that was hijacked from  
21 the Yemenis, but the smaller boat I was told belongs to a man  
22 called Juguuf.

23 Q. Okay. And where did you actually get on the boats to  
24 head out? What town?

25 THE INTERPRETER: From what town?

—J. Abdiali - Direct—

1 MR. HATCH: From what town did he head out?

2 THE WITNESS: We left Garaad on the 1st. On the  
3 10th of February we went to -- on the 1st of February we left  
4 Garaad. On the 5th of February we went to a place called  
5 Beyle. And then on the 6th -- on the 9th -- we left on the  
6 9th Beyle.

7 BY MR. HATCH:

8 Q. To go out to sea?

9 A. Yes, we moved towards the ocean.

10 Q. And what, if anything, did the boats pick up in Beyle?

11 A. Yes, from Beyle we got aboard a man who came from a place  
12 called Hafun, and those men were brought to us by Jama  
13 Abdikadir, and he used the small boat to bring them to us.

14 Q. So how many total pirates with were on the boats when you  
15 finally headed out to sea?

16 A. Nineteen men, of which we were eighteen and one was also  
17 from Yemen. And there were also the other four Yemens.

18 Q. Okay. Did you have weapons with you?

19 A. Yes, the men had guns.

20 Q. Did you have supplies?

21 A. Yes, pirates take supplies with them. They take dates,  
22 they take flour, they take cigarettes.

23 Q. How far out did you go before you found a boat to hijack?

24 A. 960 miles. We were in international waters, and the man  
25 who was holding the GPS for us told us that India was about

—J. Abdiali - Direct—

1 460 miles from us.

2 Q. What boat did you seize?

3 A. We seized that boat aboard which there were those  
4 deceased Americans. May God bless their lives.

5 Q. And where did you-all try to take that boat after you  
6 seized it?

7 A. We moved towards Somalia.

8 Q. Do you know if there was a particular town you were  
9 headed for?

10 A. From what the GPS man told us -- and his name is  
11 Agaweyne -- he say that Hafun is about 50 miles from us.

12 Q. Do you know why you were headed to Hafun if you had come  
13 from Garaad and Beyle?

14 A. Because some of the men who were about -- in the piracy  
15 were from Hafun, and they belonged to the Osman Mahamoud  
16 clan. They do not live in Zaas. That's why we wanted to go  
17 there first.

18 Q. And how long was it, approximately, before the Navy  
19 showed up?

20 A. I think they were following us for two nights, even  
21 though I cannot really say exactly because myself, I drank,  
22 and the other men did not the like that, so they tied me down  
23 in the basement of the boat. But I think on the third night  
24 they joined us.

25 MR. HATCH: Mr. Pierce, if I could, with your



—J. Abdiali - Direct—

1 assistance, I'm handing to the witness Government's exhibits  
2 2-5 A, B and C.

3 BY MR. HATCH:

4 Q. Mr. Jilani, do you recognize those photos?

5 A. Yes. All these three are the -- is the American ship,  
6 and then there is another one, a fourth one. And I think  
7 this one which has the ropes on it is the Quest.

8 Q. Okay. Now, let me ask you, as you-all were traveling  
9 back to Somalia were some of the pirates taking pictures and  
10 video with cell phones?

11 A. Yes, Sarindaaq, and another gentleman was Faratol.

12 THE COURT REPORTER: What was the first one you  
13 said?

14 THE INTERPRETER: Sarindaaq.

15 BY MR. HATCH:

16 Q. Is that spelled S-A-R-I-N-D-A-A-Q?

17 A. S-A-R-I-N-D-A-A-Q, yes. The last letter is Q.

18 Q. And Faratol is F-A-R-A-T-O-L?

19 A. Yes.

20 Q. And then have you also previously reviewed a video from  
21 one of the cell phones?

22 A. I did not see myself, but I think when I came over here  
23 the officers showed me that.

24 Q. Okay.

25 MR. HATCH: Your Honor, at this time I would move

—J. Abdiali - Direct—

1 into evidence Government's Exhibits 2-5 A to 2-5 C.

2 THE COURT: 2-5 A and C?

3 MR. HATCH: A, B and C.

4 THE COURT: A, B and C.

5 2-5 A, B and C are admitted into evidence.

6 (The exhibits were admitted into evidence.)

7 MR. HATCH: Thank you, Your Honor. And I'll proceed  
8 to publish them along with some previously admitted exhibits  
9 in the same series.

10 2-5 A, please.

11 BY MR. HATCH:

12 Q. Mr. Jilani, can you tell the jury what this picture is  
13 showing?

14 A. I think this is the big ship. This is from the ship that  
15 the airplanes could land and fly.

16 Q. And that big ship, is that the one -- oh, sorry. I did  
17 that.

18 MR. DEPADILLA: I've got it.

19 BY MR. HATCH:

20 Q. Is that big ship the one I'm indicating with the red  
21 arrow now?

22 A. Yes, that's the one.

23 MR. HATCH: I think I heard in his answer it had a  
24 6-4 or a 6-5 on it. Is that right?

25 THE INTERPRETER: That's correct. 6-4, 6-5, that's

—J. Abdiali - Direct—

1 correct.

2 BY MR. HATCH:

3 Q. And then what's this other boat which I now have a red  
4 arrow on?

5 A. This is the second ship. I don't know if it's the 55 or  
6 the 104.

7 Q. Okay. And you're referring to the numbers on the side.  
8 Is that right?

9 A. Yes, those are the numbers that are on the side of the  
10 ship.

11 Q. Okay. 2-5 B.

12 And while that's coming up, were these pictures taken  
13 from the Quest during the time that the pirates were in  
14 control of it?

15 A. Yes, these pictures were taken at that time.

16 Q. Okay. What is 2-5 B, which you can now see?

17 A. I think this is the biggest of all the ships.

18 Q. And 2-5 C, please?

19 A. This one towards me is the one that we had under our  
20 control.

21 Q. The one I just put a red arrow on?

22 A. Yes, the one with the red arrow.

23 Q. And what is the second red arrow on in the middle of the  
24 screen?

25 A. I think this is the 55 ship.

—J. Abdiali - Direct—

1 Q. Okay.

2 MR. HATCH: Now, if I could show 2-5 D, which is  
3 already admitted into evidence.

4 BY MR. HATCH:

5 Q. Mr. Jilani, do you recognize that person?

6 A. This must be the captain, may God bless his soul.

7 Q. 2-5 E, please. Do you recognize that lady?

8 A. I think this is the lady of the captain.

9 Q. 2-5 F?

10 A. This is the second lady, who had problems with her  
11 vision, and may God bless her soul.

12 Q. And 2-5 G?

13 A. This is the older man, and he was in the company of the  
14 other lady.

15 MR. HATCH: Your Honor, at this time I'd also like  
16 to move in 2-5 H, which is a video.

17 THE COURT: 2-5 H is admitted in evidence.

18 (The exhibit was admitted into evidence.)

19 MR. HATCH: And, Your Honor, if I may play that.

20 THE COURT: Okay, play it.

21 MR. HATCH: Or I should say if Mr. DePadilla  
22 wouldn't mind playing it for me.

23 MR. DEPADILLA: One moment, Your Honor. I  
24 apologize.

25 (There was a pause in the proceedings.)

—J. Abdiali - Direct—

1 (The video recording was played.)

2 BY MR. HATCH:

3 Q. Who is that individual in red, Mr. Jilani?

4 A. He's the commander who was leading us.

5 Q. Is his name Sarindaaq?

6 A. Yes, Sarindaaq.

7 Q. Is this video taken before the naval vessels arrived?

8 A. Yes, but this picture was taken while they were following  
9 us.

10 Q. Mr. Jilani, were those the hostages that we just saw in  
11 the picture?

12 A. Yes. These are the people who were kidnapped, and they  
13 are just sitting there reading their books.

14 Q. Is that the attack skiff you used that we just saw?

15 A. Yes, this is the Quest.

16 I think this is the time that the ships were  
17 attacking us, but because these people do not look like they  
18 are frightened it must be before they attacked us.

19 THE COURT: How long more are you going to be,  
20 Mr. Hatch? We'll take a five-minute break now.

21 MR. HATCH: Okay.

22 THE COURT: We're going to quit at 4:00, so we'll  
23 take a five- to seven-minute break, long enough so you can  
24 use the facility.

25 (The jury withdrew from the courtroom.)

—J. Abdiali - Direct—

1 THE COURT: All right. Five to seven minutes.

2 (A recess was taken.)

3 THE COURT: Please remain standing. Bring in the  
4 jury, please, Mr. Pierce.

5 (The jury entered the courtroom.)

6 THE COURT: You may be seated.

7 Mr. Jilani, you are reminded you must tell the  
8 truth.

9 Let's go ahead, Mr. Hatch.

10 MR. HATCH: Your Honor, at this time I'd like to  
11 play just a portion of Government's Exhibit 2-1 A, which has  
12 already been admitted, just a portion of it.

13 THE COURT: All right.

14 (The audio recording was played.)

15 BY MR. HATCH:

16 Q. Mr. Jilani, were you present on the Quest when that  
17 communication was going on we just heard?

18 A. Yes.

19 Q. And who is speaking for the pirates? Whose actual voice  
20 do we hear?

21 A. Agaweyne.

22 Q. Okay. And is that A-G-A-W-E-Y-N-E?

23 A. Yes.

24 Q. Was he also known as Ibrahim?

25 A. Yes, his name is Ibrahim Agaweyne.

—J. Abdiali - Direct—

1 Q. Okay. And what was Ibrahim's role in the piracy mission?

2 A. At this time -- well, the situation was out of hand. The  
3 person who was in charge was no more in charge. When he  
4 attempted to contact with the ship -- well, he say, "I'm  
5 going to bring you to some sort of like communication,  
6 private," and it turned out that it was all with the Navy.

7 Q. Okay. So let me -- if I could just try to clarify that.

8 You said the person who started out in control was no  
9 longer in control.

10 A. Yes, because there was an objection. Again, it's because  
11 he agreed to -- because he agreed that the U.S. was going to  
12 bring some sort of communication. That's actually just  
13 private, between us and the U.S. Navy.

14 Q. And is this person who had originally been in control --  
15 what's his name?

16 A. Sarindaaq.

17 Q. Okay. Sarindaaq, who we saw in the video before in the  
18 red shirt?

19 A. Yes.

20 Q. So, did Sarindaaq lose his job as the commander because  
21 he was willing to accept a communication device from the  
22 Navy?

23 A. Yes, because he agreed to with the U.S. Navy. Then they  
24 decided not to accept his orders anymore. Agaweyne took over  
25 the microphone. Most of the other young men also agreed that

—J. Abdiali - Direct—

1 they should not have any contact with the other guy.

2 Q. So why was it a problem that Sarindaaq was willing to  
3 take this communication device from the Navy?

4 A. They objected to it because they felt the U.S. Navy was  
5 trying to deceive us.

6 Q. And, so, you-all never took a communication device from  
7 the Navy, right?

8 A. Yes, we did not. However, we used the radio -- I don't  
9 know what they call it -- GF radio communication.

10 Q. Okay. And when Ibrahim Agaweyne was speaking over that  
11 bridge-to-bridge radio that we just heard were there any  
12 other pirates who were speaking to Ibrahim Agaweyne?

13 A. There were some other young men who were actually making  
14 noises.

15 Q. And who is speaking to Agaweyne?

16 A. Juguuf -- they were asking each other the telephone  
17 number of Mr. Shubin, so Juguuf was communicating with him.

18 Q. And who actually knew the telephone number?

19 A. Juguuf knew his telephone number, and he said, "Well,  
20 we're going to call him so that he can make a connection with  
21 us and with the U.S. Navy."

22 Q. Okay. Now what was -- is Juguuf -- is that a nickname?

23 A. Yes. His name is Mohamud Salad.

24 Q. And what was his job at that time?

25 A. He was one of the officers. I mean, he was next to



—J. Abdiali - Direct—

1 Mr. Sarindaaq.

2 Q. So he had a leadership role. Is that right?

3 A. Yes.

4 Q. And later that day did Juguuf and another pirate actually  
5 go over to one of the Navy ships?

6 A. Juguuf and Dugan took a skiff and went to the ship.

7 Q. Now, I asked you before -- and maybe I bombed with it --  
8 Elcassa. Is it Ilcas?

9 A. I'm sorry, I forgot. I was kind of shy because of so  
10 many people. It was a nickname because of my teeth.

11 Q. Okay. So is that your nickname, sir?

12 A. Yes.

13 Q. And what about your teeth gives you that nickname?

14 A. They are a little bit red, and that's because in specific  
15 region of Somalia when you drink the water from it it kind of  
16 leaves that sort of redness.

17 Q. And is Ilcas a word for red teeth?

18 A. Yes, it's like red mouth.

19 MR. HATCH: Your Honor, at this time I'd like to  
20 read a stipulation, and then also I'll be moving in a couple  
21 exhibits that relate to this stipulation.

22 THE COURT: Go right ahead.

23 MR. HATCH: Stipulation regarding Government's  
24 Exhibit 2-10:

25 "The United States and the defendant Mohammad Saaili

—J. Abdiali - Direct—

1 Shibin stipulate and agree that on February 22nd of 2011 Host  
2 Nation Forces in Somalia obtained the cellular phone of the  
3 defendant, Mohammad Saaili Shibin. The Host Nation Forces  
4 obtained the cellular phone from Shibin and provided Shibin's  
5 cellular phone to United States Government personnel on  
6 February 22nd, 2011. United States Government personnel then  
7 examined the phone and took numerous photographs of the  
8 display screen of the phone; specifically, United States  
9 Government personnel cycled through different displays on the  
10 phone, including but not limited to displays showing outgoing  
11 phone calls, incoming phone calls, recent contacts, text  
12 messages, and Internet search queries and results. The  
13 United States Government personnel took pictures of the  
14 information displayed on the display screen of Shibin's  
15 phone. The United States Government personnel also copied  
16 the contacts list that were in Shibin's phone. After making  
17 the photographs and copies of the contacts list, the United  
18 States Government personnel returned the phone to the Host  
19 Nation Forces, who returned the phone to Shibin.

20 "Government's Exhibit 2-10, a DVD, contains true and  
21 correct copies of the pictures taken by the United States  
22 Government personnel of the different display screens of  
23 Shibin's phone as described above. Government's Exhibit 2-10  
24 also contains true and correct copies of the contacts list  
25 retrieved from Shibin's phone by the United States Government

—J. Abdiali - Direct—

1 personnel. The parties therefore stipulate and agree that  
2 Government's Exhibit 2-10 has been properly authenticated  
3 pursuant to Federal Rule of Evidence 901 and is admissible in  
4 evidence with no further showing by the government."

5 Thank you, Your Honor.

6 THE COURT: All right.

7 MR. HATCH: Your Honor, at this time I would offer  
8 in evidence Government's Exhibit 2-10 C, which I proffer to  
9 the Court through later testimony would be one of the items  
10 coming off of Government's Exhibit 2-10, the results of that  
11 phone search.

12 THE COURT: All right. 2-10 C is received in  
13 evidence.

14 (The exhibit was admitted into evidence.)

15 THE COURT: Do you want to publish it?

16 MR. HATCH: Yes, Your Honor. Thank you.

17 If I could start with page 1.

18 BY MR. HATCH:

19 Q. Mr. Jilani, if you would look at your screen there, do  
20 you see that entry there that I've blown up, "M Haji Khayr"?

21 A. Yes, I see, including the number.

22 Q. And do you recognize that name, sir?

23 A. That's Mohamud Haji Khayr.

24 MR. HATCH: Page 2, please.

25 THE COURT: This is the contact list that you

—J. Abdiali - Direct—

1 recovered from 10-C. Is that correct?

2 MR. HATCH: That is 1 of 2, Your Honor. This is  
3 contact list number one.

4 THE COURT: Okay.

5 BY MR. HATCH:

6 Q. Mr. Jilani, now on page 2 of this, do you recognize the  
7 name that I have highlighted there?

8 A. Do you want me to read it? It's Jama Abdikadir.

9 Q. Okay. And is that consistent with the name of the  
10 individual you knew associated with the Yemeni fishing boat?

11 A. That's him. He is one of the hijackers.

12 Q. Do you recognize that name Dumad?

13 A. Yes. You left out Bishur. That's Dumad.

14 Q. Is that the same individual you referred to before,  
15 Bishur Dumad?

16 A. That's him.

17 Q. How about this entry, "F Dheere"?

18 A. Yes, this is short for "Faraad."

19 Q. And was Faraad Dheere the individual you referenced  
20 before in connection with the German boat hijacking?

21 A. Yes, that's him, Faraad Dheere.

22 Q. Now, this individual in the middle there, do you  
23 recognize that name?

24 A. Yes. That's Hilaac.

25 Q. And is that the same individual that you referred to as

—J. Abdiali - Direct—

1 being a hijacker of the German ship?

2 A. Yes. The German ship, yes.

3 Q. And also an investor in your piracy mission?

4 A. He's one of the people who sent us.

5 Q. Do you know anyone else who goes by the name Hilaac?

6 A. There's another person who works with me. He sometimes  
7 becomes insane; sometimes he's fine. And he drives taxis  
8 sometimes.

9 Q. So he's a taxi driver?

10 A. Yes.

11 Q. Okay.

12 MR. HATCH: If I could have page 3, please.

13 BY MR. HATCH:

14 Q. Do you recognize that name at the top?

15 A. Yes. That's Juguuf.

16 Q. Is that consistent with the name of the individual who  
17 was on the Quest with you?

18 A. Yes.

19 MR. HATCH: Page 4, please.

20 BY MR. HATCH:

21 Q. Are those initials M. H. Kh2 consistent with any names  
22 that you know?

23 A. Yes. This is short for Mohamud Haji Khayr.

24 Q. And do you know this individual?

25 A. Dalab? Yes, I know him.

—J. Abdiali - Direct—

1 Q. And how do you know him?

2 A. He was one of the kidnappers or hijackers of the German  
3 ship.

4 Q. And then, last, this name at the bottom?

5 A. That's Hilaac.

6 MR. HATCH: Thank you. You can take that down.

7 With Mr. Pierce's assistance, I hand up to the  
8 witness 2-14 H.

9 And, Your Honor, similarly, this is an exhibit that  
10 comes off of Government's Exhibit 2-10, so I would move it in  
11 evidence.

12 THE COURT: 2-14 H?

13 MR. HATCH: Yes, Your Honor.

14 THE COURT: And it is what?

15 MR. HATCH: It is another exhibit that comes off of  
16 that stipulation I read, a screen shot from the phone.

17 THE COURT: Is this another contacts list?

18 MR. HATCH: It's a particular contact with an  
19 individual.

20 THE COURT: Oh, all right.

21 (The exhibit was admitted into evidence.)

22 MR. HATCH: May I publish it, Your Honor?

23 THE COURT: Yes.

24 BY MR. HATCH:

25 Q. Mr. Jilani, do you recognize the name on your screen?

—J. Abdiali - Cross—

1 A. Yes, that's Baali Hule.

2 Q. Okay. I know we tried spelling his name before, but is  
3 that spelling consistent with the person you knew as Baali  
4 Hule?

5 A. Correct, yes.

6 Q. Okay.

7 MR. HATCH: Court's indulgence.

8 Mr. Pierce, I owe you one exhibit, 2-10 C, and then  
9 I'm all done. Well, he's already moved it in, so...

10 Mr. Jilani, please answer any questions  
11 Mr. Broccoletti may have.

12 THE WITNESS: Okay.

13 CROSS-EXAMINATION

14 BY MR. BROCCOLETTI:

15 Q. Sir, you're currently in jail?

16 A. I am in Tidewater Regional Jail.

17 Q. Tidewater Regional Jail. And are you in Tidewater  
18 Regional Jail with any of the other pirates that were aboard  
19 the Quest with you?

20 A. Some, yes.

21 Q. Which ones are you in jail with?

22 A. Well, I share one block with four others. Two of them  
23 are C3 Block. Juguuf is C6.

24 Q. What are the ones you're in jail with? What are their  
25 names?

—J. Abdiali - Cross—

1 A. You're asking me the names?

2 Q. I'm asking you the names.

3 A. Sarindaaq is one, Said Fooley, Aqid Abdi Jama and myself,  
4 Jilani Abdiali.

5 Q. Do you talk with those other pirates about this case?

6 A. You mean me?

7 Q. Yes. Do you talk with the other pirates about this case?

8 A. Are you talking about the case that we're charged?

9 Q. Do you talk to the other pirates about the case that  
10 you're now testifying in?

11 A. No, I do not.

12 Q. How many other Somalis are in the block with you?

13 A. Well, we're all four, including myself.

14 Q. And you're the only four that speak Somali in that block.

15 A. Yes, in Somali, just four of us.

16 Q. So do you talk about the weather back in Somalia?

17 A. We do not go outside, so we just -- we just talk, just  
18 normal.

19 Q. Do you talk about Shibin?

20 THE COURT: Two more questions on this,  
21 Mr. Broccoletti, and that's it.

22 MR. BROCCOLETTI: Yes, sir.

23 THE WITNESS: No, but, you know, you can talk about  
24 the current situations, so we just talk about situations.

25 BY MR. BROCCOLETTI:



—J. Abdiali - Cross—

1 Q. And who do you travel from the jail with to court? Let  
2 me ask you -- whom did you travel with today from the jail to  
3 court?

4 A. Are you asking me who did I come with?

5 Q. Yes. What other Somali pirates did you come to court  
6 with today from jail?

7 A. There are three now getting detention, and myself.

8 Q. Who are they?

9 A. Said Fooley, Abdi Jama Aqid and Sarindaaq.

10 Q. The same ones that are in your block?

11 A. No. Two of them are still in detention, just myself and  
12 Sarindaaq, the same block.

13 MR. BROCCOLETTI: Could we have Government's  
14 Exhibit 2-9, please.

15 (There was a pause in the proceedings.)

16 MR. BROCCOLETTI: One second, Your Honor. I thought  
17 it was scanned in. I apologize.

18 THE COURT: Take your time.

19 (There was a pause in the proceedings.)

20 THE COURT: Would you help him, Mr. DePadilla?

21 MR. DEPADILLA: I'll take care of it, Your Honor.

22 MR. BROCCOLETTI: I think we have it, Judge.

23 THE COURT: Have you got it? Good.

24 MR. BROCCOLETTI: I think so.

25 BY MR. BROCCOLETTI:

—J. Abdiali - Cross—

1 Q. All right. Mr. Jilani, this is the plea agreement that  
2 was introduced into evidence as Government's Exhibit 9 A,  
3 correct?

4 A. What did you just say? Can you speak again?

5 Q. Sure. This is the plea agreement that you entered into  
6 with the government that was just introduced as Government's  
7 Exhibit 9 A.

8 A. Yes, that's my hand that's on it.

9 Q. And you already told us you pled guilty to piracy and  
10 were sentenced to life, correct?

11 A. Yes.

12 Q. And you told us that the relief that you expect or hope  
13 for is some type of reduction in your sentence, correct?

14 A. I'm hoping; however, that's in the hand of the  
15 government.

16 Q. Correct. Paragraph 15 of your plea agreement says that  
17 in order for you to receive a reduction in your sentence the  
18 United States has to determine that such a departure or  
19 reduction of sentence is appropriate.

20 THE INTERPRETER: Can you -- I'm sorry.

21 MR. BROCCOLETTI: Sure. I'll try to go piece by  
22 piece for you.

23 BY MR. BROCCOLETTI:

24 Q. And you understand that in order for you to receive any  
25 possible reduction in your sentence the first step is for the

—J. Abdiali - Cross—

1 United States to determine that such a departure or reduction  
2 is appropriate.

3 A. Are you saying "departure" means they have to depart from  
4 the law in order for me to receive some sort of a benefit?

5 Q. No. What I'm asking is do you understand that before the  
6 Judge can even consider reducing your sentence the first step  
7 is for the government, the United States, to determine that  
8 such a reduction of your sentence is appropriate?

9 A. I understand very much now.

10 Q. So the Court doesn't even get to consider it unless the  
11 government first files its motion. You understand that.

12 A. I understand.

13 Q. And does that affect your testimony?

14 A. What do you mean?

15 Q. Does that affect your testimony? Does that affect --

16 THE COURT: What do you mean? Approach the bench a  
17 minute.

18 (The following was heard at the sidebar out the  
19 hearing of the jury:)

20 THE COURT: You'll have to define it a little  
21 better, because it could affect his testimony. He has to  
22 tell the truth, the whole truth. And I don't want to get  
23 into that, but -- do you see what I'm saying?

24 MR. BROCCOLETTI: Yes, sir, I understand.

25 (The proceedings resumed in open court as follows:)

—J. Abdiali - Cross—

1 BY MR. BROCCOLETTI:

2 Q. The question, sir: Is that causing you to testify the  
3 way you're testifying today?

4 MR. HATCH: Your Honor, if I could ask for a  
5 clarification on that question.

6 He's asking him about the plea agreement, which  
7 requires him to cooperate, so I think it's a vague question  
8 about whether his cooperation applies here or this particular  
9 provision.

10 MR. BROCCOLETTI: I'm trying to explain it as best I  
11 can to him.

12 THE COURT: He has a right -- you have a right to  
13 question him, Mr. Broccoletti, about his understanding  
14 concerning the plea agreement. There's no question about  
15 that.

16 The only thing I don't want to do is to confuse the  
17 witness because of -- with the word "affect," if you  
18 understand my problem.

19 MR. BROCCOLETTI: Yes, sir.

20 THE COURT: And I thought I made it clear.

21 MR. BROCCOLETTI: That's why I tried to change the  
22 question, Your Honor.

23 THE COURT: Okay. Go ahead.

24 MR. BROCCOLETTI: Yes, sir.

25 BY MR. BROCCOLETTI:

—J. Abdiali - Cross—

1 Q. And is that causing you to testify the way you're  
2 testifying today?

3 THE COURT: I certainly hope it is,  
4 Mr. Broccoletti -- that's what I'm trying to tell you --  
5 because he has duties besides that. Do you understand what  
6 I'm --

7 MR. BROCCOLETTI: Yes, sir. I'll move on, Judge.

8 THE COURT: Would you?

9 MR. BROCCOLETTI: Yes, sir.

10 BY MR. BROCCOLETTI:

11 Q. All right. Now, when you were first interviewed by the  
12 FBI that was on the 27th of February of 2011. Do you  
13 remember that?

14 A. Yes.

15 Q. And that was on board the USS Enterprise, correct?

16 A. USS --

17 Q. You were on a big Navy boat?

18 A. Yes.

19 Q. And during that entire first interview with the FBI on  
20 February 27th of 2011 did you ever mention Shibin and his  
21 role?

22 MR. HATCH: Your Honor, I object. There's no  
23 predicate that he was even asked about that.

24 MR. BROCCOLETTI: I think he can certainly bring  
25 that --

—J. Abdiali - Cross—

1 THE COURT: Stop a minute.

2 Are you seeking to introduce evidence that's  
3 contradictory to his testimony?

4 MR. BROCCOLETTI: By omission, yes, sir.

5 THE COURT: Well, you better ask him about it so  
6 then you can ask him if he failed to do it.

7 MR. BROCCOLETTI: Yes, sir.

8 BY MR. BROCCOLETTI:

9 Q. During this interview with the FBI, your first interview  
10 on February 27th of 2011, you provided information about your  
11 role in piracy.

12 A. Well, I chose to tell the truth, and I told them the  
13 truth.

14 Q. They asked you about your role in piracy, and you told  
15 them about your role in piracy.

16 A. I told them. In many, many other places I was asked.

17 Q. You told them about what your role in the Quest was to  
18 be.

19 A. I was asked, and I answered the questions.

20 Q. You told them who ordered the attack on the Quest.

21 THE INTERPRETER: I'm sorry. You told them --

22 BY MR. BROCCOLETTI:

23 Q. You told them who ordered the attack on the Quest.

24 THE COURT: Do you seek to introduce his  
25 testimony -- his statement?

—J. Abdiali - Cross—

1 MR. BROCCOLETTI: I'll introduce it, yes, sir. The  
2 one I have, though, however, has little yellow lines on it.

3 THE COURT: That's not -- I don't want you to sit  
4 there and ask him about every single question.

5 What's your position, Mr. Hatch?

6 MR. HATCH: Your Honor, I object to this whole line  
7 of questions. As I said, there's been no foundation of any  
8 inconsistent statement.

9 THE COURT: Objection sustained.

10 BY MR. BROCCOLETTI:

11 Q. Would it be fair to say that --

12 THE COURT: You can contradict him about anything  
13 he's testified to. You're asking him questions, and he's  
14 just merely answering "yes" as to the statement,  
15 Mr. Broccoletti.

16 MR. BROCCOLETTI: Judge, may we just have a quick  
17 side bar, please?

18 THE COURT: Yes.

19 (The following was heard at the sidebar out the  
20 hearing of the jury:)

21 MR. BROCCOLETTI: The point that I'm trying to make  
22 is that the fact that he gave a complete recounting of the  
23 event that particular day, his role in piracy and the absence  
24 of his mention of Shibin in that is inconsistent impeachment  
25 by omission.

—J. Abdiali - Cross—

1 THE COURT: Not necessarily, because he said he was  
2 answering questions. Unless he was asked a question about  
3 Shibin -- unfortunately, what he omitted is not what he  
4 omitted, it's what the interrogator omitted.

5 Now, if he was not asked any questions about it then  
6 it couldn't be contrary. You can ask, "Were you asked  
7 questions about Shibin" or -- I don't want you to do that.  
8 That's -- I will allow you to say what you've said. And it's  
9 already pointed out Shibin isn't mentioned in this statement,  
10 but unless somebody questioned him about Shibin why would it  
11 be in the statement?

12 MR. BROCCOLETTI: If he gives a complete recounting  
13 of the event it would be expected he would have mentioned  
14 him.

15 THE COURT: If I gave a complete recounting of what  
16 happened today I'd have to have the court reporter here.  
17 Now, stop. You know better. I'll allow you broad  
18 parameters, Mr. Broccoletti --

19 MR. BROCCOLETTI: Yes, sir.

20 THE COURT: -- but I cannot allow you to -- I will  
21 allow you to ask him if at any time Shibin was mentioned.

22 MR. BROCCOLETTI: Yes, sir.

23 THE COURT: I will allow that question.

24 MR. BROCCOLETTI: Yes, sir.

25 (The proceedings resumed in open court as follows:)



—J. Abdiali - Cross—

1 BY MR. BROCCOLETTI:

2 Q. Sir, at any time in that interview of February 27th of  
3 2011 was Shibin mentioned?

4 A. No, I was never told at that time.

5 Q. Now, where did you travel from to Garaad? Where did you  
6 leave from to go to Garaad?

7 A. I left Qardho.

8 Q. And where is that located?

9 A. East Somalia.

10 Q. How far is that from Garaad?

11 A. About 500 kilometers.

12 Q. How did you travel?

13 A. On the road, the highway that was made by the Italians,  
14 which makes easier travel.

15 Q. How long did it take you to travel?

16 A. Well, first I went -- first I went to Galkayo, and then I  
17 left Galkayo to Garaad. It took me one day.

18 Q. Did you decide to be a pirate before you left to go to  
19 Garaad?

20 A. No. My intention first was to go to friends to get a  
21 little money from them, because they hijacked a ship so they  
22 have some money.

23 Then, after arriving in Garaad, it came to me that I  
24 myself should become one of them so I can have some money.  
25 Even though, unfortunately, it was bad thought, at the time

—J. Abdiali - Cross—

1 it was okay.

2 Q. Did you plan to arm yourself?

3 A. No.

4 Q. Your plan was -- what was your role to be?

5 A. No matter what it takes, my intention was to become one  
6 of the pirates and get money.

7 Q. You knew that pirates armed themselves with guns.

8 THE INTERPRETER: I'm not sure what he means, "He  
9 lift" -- "sometimes you become" -- "you become a lift.  
10 Sometimes one of relatives will have you become one of them,  
11 just board the ship."

12 BY MR. BROCCOLETTI:

13 Q. Well, the question was do you know that pirates arm  
14 themselves with guns?

15 A. Yes.

16 Q. And you knew on this particular boat there was also a  
17 rocket-propelled grenade launcher.

18 A. Yeah, they have a different -- different guns.

19 Q. So you knew that violence was entirely possible.

20 A. If -- you know, at the time it was not in my mind. All  
21 my thought was just getting some money.

22 Q. Were you the only pirate on board the boat without a gun?

23 A. Yes. Everybody else had a gun.

24 Q. Were you a spiritual advisor?

25 A. No. Actually, myself, I was not actually following a

—J. Abdiali - Cross—

1 religion at the time.

2 Q. So if you didn't have a gun and you weren't a spiritual  
3 advisor did you drive the boat?

4 A. No, I was just praying for them.

5 Q. For the pirates?

6 A. Yes. When I was with them, yes.

7 Q. And I'm sure you prayed for the American hostages while  
8 you were on the boat with them, too.

9 A. Yes, I was praying for their safety. Unfortunately, it  
10 was not possible for me because they reject what I was trying  
11 to do. When the incident was taking place actually I went  
12 down and I locked myself in a room.

13 Q. You said that we wouldn't be here if they had done what  
14 you had told them to do. What did you tell them to do?

15 A. Well, first, this is my first time participating in  
16 piracy, but I believe when you hijack somebody or you kidnap  
17 human beings you should always -- you should always keep them  
18 safe, not harm them.

19 Q. And that's -- I'm sorry.

20 THE INTERPRETER: Okay.

21 THE WITNESS: Then I told them, "If you follow what  
22 I already told you, just pray and you not harm these people,  
23 you are going to be saved and these people are going to be  
24 also saved."

25 BY MR. BROCCOLETTI:

—J. Abdiali - Cross—

1 Q. This was your first time involved in this. What was your  
2 advance SAMI share to be?

3 THE INTERPRETER: I'm sorry?

4 BY MR. BROCCOLETTI:

5 Q. What was your SAMI share to be?

6 A. High.

7 Q. Well, you said that it was agreed to in advance as to  
8 what role or what portion each person would play -- or what  
9 portion each person would receive. What portion were you to  
10 receive?

11 A. At least 50.

12 Q. 50 what?

13 A. 50,000.

14 Q. 50,000. You didn't even know what the ransom was, did  
15 you?

16 A. Well, that's just my estimation, but all -- it depends on  
17 how much the ransom money would be.

18 Q. Well, how much were the others to get? For example, how  
19 much was Sarindaaq to get?

20 A. He's the leader. He was the leader.

21 Q. So how much was he to get, if it was decided in advance?

22 A. I would say maybe like double, maybe.

23 Q. The investors -- how much was, say, Mohamud Haji Khayr to  
24 get?

25 THE INTERPRETER: What is the name?

—J. Abdiali - Cross—

1 MR. BROCCOLETTI: Haji Khayr.

2 THE WITNESS: Well, we couldn't decide how much he  
3 would be getting, but the others, the investors, are the ones  
4 who decide how much he would be getting for his own boats.

5 The people who sent him, when they hijack something  
6 then they will decide how much he should be getting.

7 BY MR. BROCCOLETTI:

8 Q. Is there a meeting where this is agreed upon?

9 A. Yeah. They decide, you know, low -- how much,  
10 estimation? Low, high, middle.

11 Q. Were you present for the meeting?

12 A. No.

13 Q. Was there an agreement that was signed?

14 A. No, there's no signatures. You just -- you just agree on  
15 something.

16 Q. In the conversation that you had with Mohamud Haji Khayr  
17 about the defendant investing was it just the two of you  
18 present?

19 A. No, everybody was on the boat, but the two of us were  
20 having a conversation, just a very limited conversation.

21 Q. What boat?

22 A. I'm talking about the previous ship that we used.

23 Q. The Yemen boat?

24 A. Yes, Yemen boat.

25 Q. So it was just the two of you. So we have your word on

1 that conversation?

2 A. What are you talking about, my word?

3 Q. We have your word; we don't have anyone else.

4 THE COURT: Whoever he had the conversation with.

5 MR. BROCCOLETTI: Correct, Mr. Khayr.

6 THE WITNESS: Oh, with the exception of the  
7 conversation regarding Mr. Shibin, we didn't have any other  
8 conversation.

9 THE COURT: How long are you going to be,  
10 Mr. Broccoletti? I'm not stopping you, but --

11 MR. BROCCOLETTI: Another 15 minutes or so, Your  
12 Honor, but we can -- it's up to the jury. It's up to the  
13 Court.

14 THE COURT: Do you want to stay 15 minutes? If you  
15 don't -- I said you'd leave at 4:00. I don't -- we've got to  
16 leave.

17 We'll continue tomorrow morning, Mr. Broccoletti.

18 MR. BROCCOLETTI: Yes, sir.

19 THE COURT: All right. Everyone please rise while  
20 the jury retires.

21 (The jury withdrew from the courtroom.)

22 THE CLERK: What time did you want them to return?

23 THE COURT: Oh, I didn't tell them. I forgot to  
24 tell them. 9:30. Would you tell them?

25 THE CLERK: Yes, sir.

—J. Abdiali - Cross—

1           THE COURT: Abdiali, you are instructed not to  
2 discuss your testimony with anyone until you come back here  
3 tomorrow.

4           THE WITNESS: Okay.

5           THE COURT: Okay. We'll recess until tomorrow  
6 morning, 9:30.

7           (The proceedings were adjourned at 4:03 p.m., to be  
8 reconvened at 9:30 a.m. on April 25, 2012.)

9

10                               \*\*\*\*\*               \*\*\*\*\*               \*\*\*\*\*

11

12           (After adjournment on April 24, 2012, the testimony  
13 of Jilani Abdiali resumed on April 25, 2012, as follows:)

14           THE COURT: All right. Thank you.

15           Mr. Broccoletti, you were cross-examining  
16 Mr. Abdiali.

17           MR. BROCCOLETTI: Yes, sir.

18           THE COURT: Mr. Abdiali, you're reminded you still  
19 have an obligation to tell the truth, the whole truth, and  
20 nothing but the truth.

21                               CROSS-EXAMINATION (Continuing)

22 BY MR. BROCCOLETTI:

23 Q. Sir, yesterday we saw a number of photographs taken from  
24 cell phones and a video taken from a cell phone.

25 A. Yes.

—J. Abdiali - Cross—

1 Q. Do you know who took those?

2 A. Sarindaaq and the other man by the name of Faratol.

3 Q. Were you shown in any of those photos?

4 A. Yes.

5 Q. Did you have a cell phone that was taking pictures?

6 THE INTERPRETER: I'm sorry?

7 BY MR. BROCCOLETTI:

8 Q. Did you have a cell phone that was taking pictures?

9 A. No.

10 Q. And were those cell phones left on the Quest and then  
11 recovered by the American authorities?

12 A. I would not know. I don't know.

13 Q. Yesterday you also talked about a number of people that  
14 were on Government's Exhibit 2-10 C, which is the contact  
15 list from the defendant's telephone.

16 For example, Hilaac. Did Hilaac have a job prior to  
17 the time that he became a pirate?

18 A. I did not know him before. I just met him on the ship.

19 THE INTERPRETER: Oh, I'm sorry. In Garaad.

20 BY MR. BROCCOLETTI:

21 Q. What about Haji Khayr? Did you know him before?

22 A. Yes, I knew him.

23 Q. And what did you know him to do before?

24 A. I haven't seen him working; however, I knew he was a  
25 young man who came from the same town.



—J. Abdiali - Cross—

1 Q. Dumad. Did you know him before?

2 A. No, I just met him at Garaad.

3 Q. Is it Faraad Dheere?

4 THE COURT: I assume this has some issue in this  
5 case, Mr. Broccoletti.

6 MR. BROCCOLETTI: It does. These are the people  
7 that the defendant --

8 THE COURT: I understand that, but what is the  
9 issue?

10 MR. BROCCOLETTI: Judge, the issue is other reasons  
11 for them to be in the defendant's contact book. There are  
12 other explanations or alternative explanations for that.

13 THE COURT: I'm having some problems with it, but  
14 you can continue. But let's get to the issues in this  
15 matter, if we possibly can.

16 MR. BROCCOLETTI: May we approach, Your Honor, so I  
17 can explain it to you?

18 THE COURT: You can proceed.

19 MR. BROCCOLETTI: Yes, sir.

20 BY MR. BROCCOLETTI:

21 Q. Is it Fahad Dheere?

22 A. You mean Faraad Dheere?

23 Q. Yes.

24 A. I met him in Garaad.

25 Q. Jama Abdikadir, did you know him before?

—J. Abdiali - Cross—

1 A. I just met him at the boat.

2 Q. During the time that you were on the Quest was the  
3 satellite phone cut immediately?

4 A. Well, I was not one of the six people who went to the  
5 boat; however, I was told a man by the name of Shani was the  
6 man who cut the phone line.

7 Q. Was there any attempt ever made from the Quest to call  
8 the phone number that is associated with Shiban?

9 A. No. We didn't have any communications that were actually  
10 working for us.

11 Q. The government played for you yesterday a portion of the  
12 bridge-to-bridge communications between Ibrahim and the Navy  
13 vessel. Do you remember that?

14 A. I do remember that, yes.

15 Q. And do you remember Ibrahim when he was talking to the  
16 Navy telling them that he "would not stop the boat and cannot  
17 start any more talk until we get an interpreter"?

18 A. Yes, he did say that.

19 Q. And do you remember also Ibrahim telling the Navy that  
20 they will not make --

21 THE COURT: Stop. Why are you repeating all this?

22 MR. BROCCOLETTI: It's new, Judge. It's not  
23 repeating it.

24 THE COURT: Well, what difference does it make what  
25 he remembers about the telephone conversation? It's already

—J. Abdiali - Cross—

1     been in evidence.

2             MR. BROCCOLETTI: This is a different telephone  
3     conversation, Your Honor. It's not the same that was played  
4     yesterday.

5             THE COURT: Okay.

6     BY MR. BROCCOLETTI:

7     Q. And do you also recall Ibrahim telling the Navy, "We will  
8     not make any deal until we find a negotiator between us to do  
9     whatever you want"?

10    A. Yes, he did say that.

11    Q. Thank you.

12             MR. BROCCOLETTI: No further questions.

13             MR. HATCH: Your Honor, if I may, just for the  
14     record, I think Mr. Broccoletti may have referenced a phone  
15     call, but I believe he was --

16             THE COURT: It isn't in evidence, so let's go. Do  
17     you want to put it in evidence?

18             MR. HATCH: No. It's the bridge-to-bridge radio, it  
19     wasn't a phone call.

20             MR. BROCCOLETTI: I'm sorry. It's bridge-to-bridge.  
21     I apologize.

22             THE COURT: Oh, okay.

23                             REDIRECT EXAMINATION

24     BY MR. HATCH:

25     Q. Mr. Jilani, just to be clear, you were asked yesterday

—J. Abdiali - Cross—

1 about the people that you are in prison with.

2 Do you have any control over the people that you are  
3 housed with or transported with?

4 A. No, I don't control them.

5 Q. And you were asked about your plea agreement with the  
6 government and cooperation.

7 Has the government asked you -- what type of  
8 information has the government asked you to give as part of  
9 your cooperation?

10 A. Well, the government just asking me any information that  
11 I had regarding the piracy and the boat, and they thought  
12 what I know I will tell them.

13 Q. And just to be clear, Mr. Jilani, you said you weren't  
14 part of the six people who went over to the Quest. Do you  
15 recall that?

16 A. Yes.

17 Q. Were you referring to the initial boat, attack skiff,  
18 that went and actually captured the Quest?

19 A. Yes, that's what I'm talking about.

20 Q. After the Quest was captured by that attack skiff, all of  
21 the pirates then did transfer over to it, correct?

22 A. All of us, yes, we went over.

23 Q. And what happened to the Yemenis?

24 THE INTERPRETER: What happened to the what, sir?

25 BY MR. HATCH:

—J. Abdiali - Cross—

1 Q. What happened to the Yemenis and their fishing boat?

2 A. They were released. They went to Yemen.

3 MR. HATCH: The Court's indulgence?

4 (There was a pause in the proceedings.)

5 MR. HATCH: No further questions, Your Honor.

6 THE COURT: Are you through with this witness?

7 MR. HATCH: We are, Your Honor.

8 THE COURT: May he be released?

9 MR. HATCH: Yes.

10 THE COURT: May he be released, Mr. Broccoletti?

11 MR. BROCCOLETTI: Yes, Your Honor.

12 THE COURT: You are instructed not to discuss your  
13 testimony with anyone until this case is complete, and then  
14 you're free to discuss it with anyone you like. You may be  
15 excused.

16 THE WITNESS: Okay.

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CERTIFICATION

I certify that the foregoing is a correct transcript  
of an excerpt from the record of proceedings in the  
above-entitled matter.

s/s

Heidi L. Jeffreys

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July 3, 2012

Heidi L. Jeffreys, Official Court Reporter